

REMARKS/ARGUMENTS

The Office Action does not acknowledge a claim for foreign priority under 35 U.S.C. § 119 (a)-(d), which is contained in the Declaration and Power of Attorney. Submitted herewith is a copy of the postcard receipt showing that the U.S. Patent and Trademark Office acknowledged receipt of the Certified Copy of Priority Document on May 15, 2001. Acknowledgement of our claim for foreign priority and receipt of the priority document is respectfully requested.

Claims 1-19 are pending in the application; the status of the claims is as follows:

Claims 8, 9, 17 and 18 are rejected under the second paragraph of 35 U.S.C. § 112 as having insufficient antecedent basis for the limitation in the claims.

Claims 1-3, 10, 12-15 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,239,370 to Yamaguchi ("Yamaguchi").

Claims 4, 5, 7 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi, and further in view of U.S. Statutory Invention Registration No. H1506 to Beretta ("Beretta").

Claims 6 and 11 are objected to as being dependent upon a rejected base claim.

Claims 1, 10, 13, and 14 have been amended to clarify and more distinctly claim the invention. Claims 6 and 11 have been rewritten in independent form as suggested by the Office Action. Claim 5 has been amended to correct minor grammatical errors. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

To date, no Notice of Draftsperson's Patent Drawing Review has been received. Applicants respectfully request receipt of this document when it becomes available. Please note that the original drawings filed in the patent application are "formal" drawings.

The objection to claims 6 and 11 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is noted with appreciation.

Claims 6 and 11 have been rewritten in independent form, including all of the limitations of the base claim and any intervening claims, as suggested by the Examiner.

Accordingly, it is respectfully requested that the objection to claims 6 and 11 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, be reconsidered and withdrawn.

35 U.S.C. § 112 Rejection

The rejection of claims 8, 9, 17 and 18 under the second paragraph of 35 U.S.C. § 112 as having insufficient antecedent basis for the limitation in the claims of "color space", is respectfully traversed based on the following.

Applicant's respectfully assert that no antecedent basis is necessary for the first recitation of a claimed element. Thus, no antecedent basis is necessary for the phrase "a color space" as presented in claims 8, 9, 17, and 18.

Accordingly, it is respectfully requested that the rejection of claims 8, 9, 17 and 18 under the second paragraph of 35 U.S.C. § 112 as having insufficient antecedent basis for the limitation of "color space" in the claims, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

The rejection of claims 1-3, 10, 12-15 and 19 under 35 U.S.C. § 103(a), as being unpatentable over Yamaguchi, is respectfully traversed based on the following.

Claim 1 recites a color correction method of correcting image data prepared for a first apparatus having a first reproducible color gamut so as to be applied to a second apparatus having a second reproducible color gamut different than the first color gamut. The color correction method corrects color of the image data in the first gamut by shifting a gray axis of the first gamut toward a gray axis of the second gamut. The image data is shifted in a chroma direction according to an amount of shifting corresponding to its distance from the gray axis of the first gamut. This is accomplished while the positions of each of the image data are maintained along a gray axis.

Yamaguchi **does not** disclose or suggest that which is claimed in claim 1 of the present application. In contrast to the method of claim 1, Yamaguchi discloses a method of color correcting between two apparatuses with dissimilar color gamuts such that the input colors have the **same hue** (or gradation or attribute of color) as the input colors. Yamaguchi, col. 4, lines 4-35. The method of Yamaguchi **does not** maintain the position of the image data along a gray axis, but allows for color correction in all three coordinates ($L^*a^*b^*$) of the color space coordinate system including the gray scale (L^*) **so long as color hue is maintained**. Fig. 6 clearly illustrates that the position of the corrected point varies along L^* . Yamaguchi calculates various multipliers (e.g., M1, M2, M3 and M4) for computing a new position of the image data such that it maintains the same hue. Further, Yamaguchi **does not** disclose or suggest altering the amount of shifting of the image data based on a distance from the gray axis of the first gamut. Thus, claim 1 is not rendered obvious by Yamaguchi. As claims 2 and 3 depend directly from non-obvious independent claim 1, they too are not rendered obvious by Yamaguchi. MPEP § 2143.03.

Claim 10 recites a color correction method which shifts the image data by shifting a gray axis of the first gamut toward the gray axis of the second gamut, but where the gray

axes do not completely match. As discussed above, Yamaguchi **does not** disclose or suggest shifting the gray axis. Instead, Yamaguchi calculates various multipliers (e.g., M1, M2, M3, and M4) for computing a new position of the image data such that it maintains the same hue. Because Yamaguchi does not disclose each and every element of claim 10, claim 10, and thereby claim 12, are not rendered obvious by Yamaguchi.

The computer program of claim 13 includes the step of shifting the received image data by a conversion of shifting a gray axis of said first gamut towards a gray axis of a second gamut, wherein said image data is shifted according to an amount of shifting corresponding to a distance from the gray axis of the first gamut in a chroma direction, wherein a position of each of the image data along the gray axis is maintained when the image data is shifted. These features are neither disclosed nor suggested by Yamaguchi. Therefore, claim 13 is not rendered obvious by Yamaguchi.

The computer program of claim 14 includes the steps of shifting said received image data by a conversion of shifting a gray axis of said first Gamut towards a gray axis of said second Gamut, wherein said conversion is a conversion of shifting the gray axis of said first Gamut to a position not completely matching the gray axis of said second apparatus, and wherein a position of each of said image data along said gray axis is maintained when said image data is shifted. These features are neither disclosed nor suggested by Yamaguchi. Therefore, claim 14 is not rendered obvious by Yamaguchi.

Claim 15 recites a color correction method wherein the image data which does not fall into said second gamut color range is compressed so that it is located within the second gamut color range. Further, the compression is accomplished such that the color difference is minimized while **lightness or L* of each of the data points is maintained**. This limitation is neither disclosed nor suggested by Yamaguchi. Because Yamaguchi does not disclose or suggest every element of claim 15, claim 15 is not rendered obvious by Yamaguchi.

The computer program of claim 19 recites the steps of processing said received image data using a predetermined technique so as to be applied to said second apparatus, and compressing image data that does not come into said second Gamut by said processing step using a predetermined technique so as to be located in said second Gamut such that color difference is minimized while maintaining lightness. These features are neither disclosed nor suggested by Yamaguchi. Thus, claim 19 is not rendered obvious by Yamaguchi.

Accordingly, it is respectfully requested that the rejection of claims 1-3, 10, 12-15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi, be reconsidered and withdrawn.

The rejection of claims 4, 5, 7 and 16 under 35 U.S.C. § 103(a), as being unpatentable over Yamaguchi, and further in view of Beretta, is respectfully traversed based on the following.

Claims 4, 5, and 7 depend from independent claim 1. As discussed above, claim 1 is not rendered obvious by Yamaguchi.

Column 5, lines 4-29 of Beretta is cited as teaching a graphical user interface that makes explicit to users the relationship among colors in the palette of colors as they are being edited; and providing a facility for the user to manually control how a color will be reproduced in a given device gamut. However, column 5, lines 4-29 of Beretta merely discloses that there are many variables influencing color appearance not taken into account by automated color correction and metamerism matching; and that preserving certain relationships between colors and achieving consistent and appropriate colors in a document or image may be far more important to the user than producing metamERICALLY matching colors. Specifically, column 5, lines 4-29 of Beretta **does not** disclose or suggest altering the amount of shifting of the image data based on a distance from the gray axis of the first gamut. Nowhere does Beretta disclose or suggest the color correction method of claim 1. Beretta merely teaches that many methods can be implemented and

that a user may find preserving certain color relationships important rather than providing a perfect metamERICALLY matched color. This is a far cry short of disclosing the method of color correcting recited by claim 1 whereby the gray scale is shifted and the gray scale position of the image data is shifted according to a distance from the gray axis of the first gamut in a chroma direction while the gray scale is preserved or maintained.

As neither reference discloses the same elements of claim 1, that being that the gray scale is shifted and the gray scale position of the image data is shifted according to a distance from the gray axis of the first gamut in a chroma direction while the gray scale is preserved or maintained, claim 1 is not obvious over a combination of Yamaguchi and Beretta.

As claims 4, 5, and 7 depend from non-obvious independent claim 1, they too are not obvious over Yamaguchi or Beretta, either singly or in combination.

Claim 16 depends from independent claim 15. For at least the reasons presented above with respect to claim 1, claim 15 is not rendered obvious by Yamaguchi or Beretta, either singly or in combination. Thus, claim 16 is also not rendered obvious by Yamaguchi or Beretta, either singly or in combination.

Accordingly, it is respectfully requested that the rejection of claims 4, 5, 7 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi, and further in view of Beretta, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

Application No. 09/858,096
Amendment Dated September 15, 2003
Reply to Office Action of April 23, 2003

This Amendment increases the number of independent claims by 2 from 6 to 8, does not increase the total number of claims and does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$168.00 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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Respectfully submitted,

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